

BRIEF FOR STATE OF KANSAS AS
AMICUS CURIAE.

No. S. 329-330

IN THE
SUPREME

COURT OF

THE UNITED STATES
October Term, 1950

AMALGAMATED ASSN. OF STREET,
RY. AND MOTOR COACH EMPLOYEES
OF AMERICA, DIV. 998, ET AL.,
Appellants,
vs.

WISCONSIN EMPLOYMENT RELATIONS
BOARD, Appellee.

Filed this day of

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APPELLANTS,

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APPELLEE.

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HAROLD R. FATZER
ATTORNEY GENERAL FOR KANSAS

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HAROLD R. PATZER
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STATEMENT

While the State of Kansas does not have a statute identical with that of Wisconsin, the validity of which is now before the Court in this case, the Legislature of Kansas enacted in 1920 a statute known as the Court of Industrial Relations (General Statutes of Kansas, 1935, 44-601, 44-628, inclusive).

General Statutes of Kansas, 1935, 44-603 describes the several industries which are subject to the provisions of the act. Public utilities are declared to be affected with public interest and subject to the supervision of the state for the purpose of preserving the public peace, protecting the public health, preventing industrial strikes, disorders and waste and securing regular and orderly conduct of the businesses directly affecting the living conditions of the people of Kansas and in the promotion of the general welfare.

General Statutes of Kansas, 1935, 44-617 has for its purpose a similar effect as to Sections 111.50 and 111.65 of the Wisconsin Statutes of 1949. Although essential services are not defined in the Kansas Court of Industrial Relations Act, the purpose of the Kansas statute is similar to the purpose of the Wisconsin statute.

Some of the Kansas decisions construing the Court of Industrial Relations Act are: State ex rel. v. Howat, 107 Kan. 423, 191 Pac. 585; State ex rel. v. Howat, 109 Kan. 376, 198 Pac. 686; State ex rel. v. Howat, 109 Kan. 779, 202 Pac. 72; State v. Dorchy, 112 Kan. 234, 210 Pac. 352 (reversed: Dorchy v. Kan. 264 U.S. 286, 44 S. Ct. 323, 68 L. Ed. 686); Court of Industrial Relations v. Packing Co., 109 Kan. 629, 201 Pac. 418, (Reversed: Wolf Packing Co. v. Court of Industrial Relations, 262 U.S. 522, 43 S. Ct. 630, 67 L. Ed. 1103); State v. Howat, et al. 116 Kan. 412, 227 Pac. 752, (Affirmed: Dorchy v. Kan. 272 U.S. 306, 47 S. Ct. 86, 71 L. Ed. 248); Dorchy v. Kan. 264 U.S. 286, 44 S. Ct. 323, 68 L. Ed. 686 and State v. Personett, 114 Kan. 680, 220 Pac. 520.

The Honorable Clarence S. Beck, Attorney General of Nebraska has heretofore, and pursuant to Rule 27, subsection 9 of the Supreme Court of the United States, filed an amicus curiae brief for the State of Nebraska in the above case.

The State of Kansas hereby adopts the brief of the State of Nebraska and respectfully urges the Court to sustain the validity of the Wisconsin statute, and to affirm the Supreme Court of the State of Wisconsin (257 Wis. 53, 42nd NW 2d 477).

Respectfully submitted,

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Amicus Curiae